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IN THE COURT OF APPEALS OF NORTH CAROLINA

No. COA24-1067

Filed 2 September 2026

Robeson County, No. 24CVS000470-770

JOE TRAVIS LOCKLEAR, Petitioner,

v.

NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING
STANDARDS COMMISSION, Respondent.

Appeal by Respondent from judgment entered 28 May 2024 by Judge James
Gregory Bell in Robeson County Superior Court. Heard in the Court of Appeals 22
May 2025.

*Attorney General Jeff Jackson, by Assistant Attorney General Steven D. Draper,
for respondent-appellant.*

The McGuinness Law Firm, by J. Michael McGuinness, for petitioner-appellee.

STADING, Judge.

The North Carolina Criminal Justice Education and Training Standards
Commission (the “Commission”) appeals from final judgment after the superior court
reversed the Commission’s final agency decision in favor of Joe Locklear (“Petitioner”)
on his petition for judicial review. After careful review, we affirm.

I. Background

The record tends to show that since 2006, Petitioner was employed as a State Trooper with the North Carolina State Highway Patrol. Petitioner served as a Trooper for over thirteen years, “earning the rank of Master Trooper.” In those thirteen years, Petitioner “earned a good personnel record.” Before the matter at issue, Petitioner had not been disciplined by the Highway Patrol or rated below expectations; rather, he was rated as “exceeding expectations” for ethics, integrity, and leadership.

On 20 August 2020, at approximately 2:30 p.m., Petitioner was on routine patrol when he noticed a driver, Cornelius Callahan, not wearing a seatbelt and a passenger consuming what he believed to be alcohol. After activating his lights, Petitioner pulled alongside Mr. Callahan’s vehicle and noticed that Mr. Callahan had buckled his seatbelt and the passenger was drinking a Red Bull. During this encounter, Petitioner did not exit his vehicle, provide a reason for the stop, or request a driver’s license. Once Petitioner determined that both Mr. Callahan and the passenger were compliant, cooperative, and polite, Petitioner, in his discretion, issued Mr. Callahan a verbal warning and allowed him to leave.

After Mr. Callahan left the scene, Petitioner saw a small, camouflaged backpack where Mr. Callahan had pulled over. Petitioner investigated the bag and discovered it contained marijuana, which he believed was associated with Mr. Callahan. Petitioner then placed the bag in his patrol vehicle and began searching

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for Mr. Callahan and his vehicle. After his attempt to locate Mr. Callahan, Petitioner returned to the scene where he discovered the bag and waited for Mr. Callahan to return. Petitioner's shift was ending, so he placed the bag further away from the road, throwing it on the perimeter line of the woods. Petitioner did not remove any contents from the bag, but he did acknowledge that he should have submitted the bag to his patrol station to be logged as evidence. In describing his actions, Petitioner explained, "my mindset was I didn't have anyone to charge. I assumed it was Mr. Callahan's, but I wasn't sure it was."

On this same day, Mr. Callahan called to report the incident, contending that Petitioner had stolen his bag containing marijuana, jewelry, and cash. Mr. Callahan's report was then given to Petitioner's direct supervisor, Sergeant Phillip Collins. When questioned over the phone by Sergeant Collins, Petitioner: denied that anything happened other than the traffic stop; denied that anything unusual happened during the traffic stop; denied ever picking up the bag; and denied ever getting out of the car. After this conversation, Petitioner went to the home of a resident near the scene of the traffic stop to inquire about any possible security footage but discovered the resident's cameras did not store or record video footage.

The following day, 21 August 2020, at approximately 6:00 a.m., Sergeant Collins and Petitioner met at the scene of the traffic stop to search for the camouflage bag. Once the bag was discovered in the same spot Petitioner had placed it, Sergeant Collins ordered Petitioner to write up a statement regarding the incident. Upon

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further investigation of the bag, it was discovered to contain cash, jewelry, scales, and marijuana. When Sergeant Collins was entering the bag into evidence, he was ordered to bring Petitioner to an interview by internal affairs.

During the interview, Petitioner admitted to being untruthful with Sergeant Collins. Petitioner claimed he was scared and panicked when he got accused of stealing Mr. Callahan's backpack, which ultimately affected his judgment. Petitioner also stated he would have done things "totally different," and admitted truthfulness is a "very important" matter for law enforcement officers. Additional interviews were conducted with Sergeant Collins, Mr. Callahan, and the resident whom Petitioner spoke with regarding the video footage. During these interviews, Mr. Callahan admitted the bag was his, admitted that he threw it out of his window, and clarified he did not believe Petitioner saw the bag as he threw it out of the vehicle.

Petitioner's conduct was initially heard as a state personnel case, in which the North Carolina State Highway Patrol terminated Petitioner's employment. Afterwards, Petitioner was reinstated when a prior panel of this Court determined that there was no just cause for his termination. *See generally Locklear v. N.C. Dep't of Pub. Safety*, 289 N.C. App. 268, 887 S.E.2d 501 (2023) (unpublished).

On 2 June 2022, Petitioner received a charging letter informing him of proceedings to suspend his law enforcement certification for willfully failing to discharge duties and lacking good moral character. *See* N.C. Gen. Stat. § 14-230

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(2025); 12 N.C. Admin Code 09B.0101(3)(h) (2021).¹ The Commission requested the “appointment of an Administrative Law Judge to hear the case of Petitioner” under N.C. Gen. Stat. § 150B-40(e) (2025). The administrative law judge (“ALJ”) was asked to determine whether there was “probable cause to suspend Petitioner’s law enforcement officer certification for committing . . . ‘Willful failure to Discharge Duties’ . . . and/or for lacking . . . good moral character[.]” The ALJ concluded that “Petitioner . . . did not ‘commit’ the crime of ‘Willful Failure to Discharge Duties’”; concluded “[t]here is no factual or legal basis to conclude that Petitioner lacks good moral character”; and recommended “the . . . commission take no action against Petitioner’s law enforcement certification.”

Notwithstanding the proposal for decision, the Commission rendered their final agency decision, ordering:

that Petitioner’s law enforcement officer certification be **SUSPENDED** for a period of **FIVE (5) YEARS** for the commission of . . . Willful Failure to Discharge Duties Further, it is hereby ordered that Petitioner’s law enforcement officer certification be **SUSPENDED INDEFINITELY** for failure to comply with the minimum standards for certification as a law enforcement officer which require that every criminal justice officer be of good moral character

Petitioner sought judicial review of the Commission’s final agency decision.

¹ 12 N.C. Admin Code 09B.0101(3)(h) was amended in 2022. The relevant good moral character standard for law enforcement officers is now defined under 12 N.C. Admin Code 9B.0101(12) (2025).

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On 28 May 2024, the superior court reversed the Commission's final agency decision, determining "the challenged Conclusions of Law by the Commission do not represent accurate statements of the law of good moral character or the law of G.S. 14-230." Ultimately, the superior court ordered:

The Petition is GRANTED, and the relief requested is ALLOWED. Petitioner Locklear did not violate either the Commissions good moral character rule or G.S. 14-230. Petitioner Locklear presently has good moral character sufficient to serve as a law enforcement officer. The Commission Final Agency Decision, with findings and conclusions to the contrary, is OVERRULED and REVERSED on multiple alternative grounds as stated in this Order on Judicial Review.

....

The indefinite suspension and the five year suspension imposed on the Petitioner by the Commission shall be rescinded and removed from Petitioner's certification file maintained by the Commission.

The Commission timely filed and served their written notice of appeal.

II. Jurisdiction

On appeal from judicial review of a final agency decision, this Court has jurisdiction pursuant to N.C. Gen. Stat. §§ 150B-52 ("A party to a review proceeding in a superior court may appeal to the appellate division from the final judgment of the superior court as provided in G.S. 7A-27."), and 7A-27(b)(1) (2025) ("From any final judgment of a superior court, . . . including any final judgment entered upon review of a decision of an administrative agency[.]").

III. Analysis

On appeal, the Commission challenges the superior court's order, which reversed the Commission's final agency decision. The Commission maintains that its own decision was in accord with good moral character law and supported by substantial evidence. It also asserts that the record evidence demonstrates Petitioner willfully failed to discharge his duties, Petitioner received sufficient notice in the charging document, and the Commission conducted a reasonable investigation into the allegations.

A. Standard of Review

After a contested final administrative agency decision, an aggrieved party is entitled to judicial review, where the superior court sits as an appellate court reviewing the administrative agency. N.C. Gen. Stat. § 150B-43 (2025). Under section 150B-52, where a party appeals from the superior court to the appellate division, "[t]he scope of review to be applied by the appellate court . . . is the same as it is for other civil cases." *Id.* § 150B-52 (2025). When reviewing "an appeal from the superior court reversing the decision of an administrative agency, our standard of review is twofold and is limited to determining: (1) whether the superior court applied the appropriate standard of review and, if so, (2) whether the superior court properly applied this standard." *McCrann v. N.C. HHS*, 209 N.C. App. 241, 246, 704 S.E.2d 899, 903 (2011).

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The scope of a superior court’s review of a final agency decision is set out under the North Carolina Administrative Procedure Act, which provides:

The court reviewing a final decision may affirm the decision or remand the case for further proceedings. It may also reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional provisions;
- (2) In excess of the statutory authority or jurisdiction of the agency or administrative law judge;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Unsupported by substantial evidence admissible under G.S. 150B-29(a), 150B-30, or 150B-31 in view of the entire record as submitted; or
- (6) Arbitrary, capricious, or an abuse of discretion.

N.C. Gen. Stat. § 150B-51(b)(1)–(6) (2025). Errors asserted in subdivisions 150B-51(b)(1)–(4) are reviewed de novo. *Id.* § 150B-51(c) (2025). “Under the de novo standard of review, the trial court considers the matter anew and freely substitutes its own judgment for the agency’s.” *N.C. Dep’t of Env’t and Nat. Res. v. Carrol*, 358 N.C. 649, 660, 699 S.E.2d 888, 895 (2004) (quotation marks and citation omitted).

Errors asserted under subdivisions 150B-51(b)(5)–(6) are reviewed “using the whole record standard of review.” N.C. Gen. Stat. § 150B-51(c). “Under the whole record standard of review, the reviewing court must examine all the record evidence—that which detracts from the agency’s findings and conclusions as well as

that which tends to support them—to determine whether there is substantial evidence to justify the agency’s decision.” *Whitehurst v. E. Carolina Univ.*, 257 N.C. App. 938, 943, 811 S.E.2d 626, 631 (2018) (citation and quotation marks omitted). Substantial evidence is “relevant evidence a reasonable mind might accept as adequate to support a conclusion.” N.C. Gen. Stat. § 150B-2(8c) (2025). Under the whole record standard, “[w]hen there are two reasonably conflicting views of the evidence, the superior court cannot replace the agency view of the evidence with its own.” *Star Auto Co. v. Saab-Scania of Am., Inc.*, 84 N.C. App. 531, 533, 353 S.E.2d 260, 262 (1987). “Upon determining that the agency’s decision is not supported by substantial evidence, the superior court may make additional findings of fact in order to show the insubstantiality of the evidence relied upon by the agency.” *Rector v. N.C. Sheriffs’ Educ. & Training Standards Com.*, 103 N.C. App. 527, 532, 406 S.E.2d 613, 617 (1991). “The ‘whole record’ test is not a tool of judicial intrusion; instead, it merely gives a reviewing court the capability to determine whether an administrative decision has a rational basis in the evidence.” *In re Rogers*, 297 N.C. 48, 65, 253 S.E.2d 912, 922 (1979).

B. The Superior Court’s Standard of Review

The Commission argues the superior court’s order substituted its own judgment rather than limiting itself to whether the Commission had substantial evidence to support its finding of a lack of good moral character. We disagree.

Our review consists of “determining: (1) whether the superior court applied the appropriate standard of review and, if so, (2) whether the superior court properly applied this standard.” *McCrann*, 209 N.C. App. at 246, 704 S.E.2d at 903. Here, since the Commission’s decision was challenged as being unsupported by substantial evidence, whole record review is appropriate. *See* N.C. Gen. Stat. § 150B-51(c). Issues of law, however, are reviewed de novo. *See id.*; *see also* *N. Carolina Dep’t of Env’t & Nat. Res. v. Carroll*, 358 N.C. 649, 659, 599 S.E.2d 888, 894 (2004).

1. The Superior Court’s Chosen Standards

We first consider whether the superior court applied the appropriate standard of review. *McCrann*, 209 N.C. App. at 246, 704 S.E.2d at 903. In its order, when reversing the Commission’s decision, the superior court noted the following:

8. This Court has applied the standard of review from N.C.G.S 150B-51 and decision law including *Russell v. N.C. Department of Public Safety*, 282 N.C. App. 542, 872 S.E.2d 821, 826 (2021); *N.C.D.E.N.R. v. Carroll*, 358 N.C. 649, 599 S.E.2d 888 (2004) and *Maurice Devalle v. N.C. Sheriff’s Education and Training Standards Commission*, 289 N.C. App. 12, 887 S.E.2d 891 (2023). This Court has applied the *de novo* review standard for the issues of law. This Court has applied the whole record test in reviewing the Commission’s fact finding and has examined whether the agency’s decision and fact finding is supported by substantial evidence of record. This Court has applied the preponderance of evidence standard as per N.C.G.S. 150b-29.

Here, paragraph eight of the superior court’s order specifically provides that it reviewed issues of law de novo. *See* N.C. Gen. Stat. § 150B-51(c). Likewise, the

superior court's order specifically notes that it examined the sufficiency of evidence by the whole record. *See id.*; *see also Carroll*, 358 N.C. at 659, 599 S.E.2d at 894 (citation modified) (It is well settled that in cases appealed from administrative tribunals, questions of law receive de novo review, whereas fact-intensive issues such as sufficiency of the evidence to support an agency's decision are reviewed under the whole-record test."). Accordingly, the superior court applied the appropriate standard of review. *McCrann*, 209 N.C. App. at 246, 704 S.E.2d at 903.

2. *The Superior Court's Application of the Standard of Review*

We next consider whether the superior court *properly* applied whole record review. *See id.* As to this point, the Commission contends that the superior court impermissibly substituted its own judgment for that of the Commission. *See generally Watkins v. N.C. State Bd. of Dental Exam'rs*, 358 N.C. 190, 199, 593 S.E.2d 764, 769 (2004) ("A court applying the whole record test may not substitute its judgment for the agency's as between two conflicting views, even though it could reasonably have reached a different result had it reviewed the matter de novo."). "The whole record test requires us to consider whether respondent's decision is justified by substantial evidence—put differently, evidence that 'when considered as a whole, . . . a reasonable person might accept as adequate to support a conclusion.'" *Devalle*, 388 N.C. at 28, 919 S.E.2d at 158 (quoting *N.C. State Bar v. DuMont*, 304

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N.C. 627, 643, 286 S.E.2d 89, 99 (1982)). In doing so, “[w]e do not second-guess how [the Commission] weighed the evidence. Rather, we ensure that [the Commission] reasonably grounded its decision in the evidentiary record, even if we might have concluded differently if addressing the question anew.” *Id.*

a. Good Moral Character

As an initial matter, the Commission contends that the superior court erred by concluding that the final agency decision failed to correctly apply the law of good moral character. As this is an issue of law, we review the superior court’s conclusion *de novo*. *See Carroll*, 358 N.C. at 659, 599 S.E.2d at 894.

“The Commission may suspend, revoke, or deny the certification of a criminal justice officer when . . . the certified officer . . . fails to meet or maintain one or more of the minimum employment standards required by 12 NCAC 09B .0100 for the category of the officer’s certification.” 12 N.C. Admin Code 09A.0204(b)(2) (2025). The good moral character rule provides that:

[e]very law enforcement officer who is employed in or has received a conditional offer of employment for a certified position by an agency in North Carolina shall . . . (12) be of good moral character as defined in: *In re Willis*, 288 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E. 2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E. 2d 174 (1989); *in re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E. 2d 647 (1983); and later court decisions.

12 N.C. Admin. Code 9B.0101(12) (2025).

The term good moral character “by itself, is unusually ambiguous.” *In re Willis*, 288 N.C. 1, 10, 215 S.E.2d 771, 776 (1975). Despite this, our jurisdiction has accepted the definition of good moral character as “honesty, fairness, and respect for the rights of others and for the laws of the state and nations.” *Id.* at 10, 215 S.E.2d at 776–77. Although “[g]ood moral character has many attributes, . . . none are more important than honesty and candor.” *In re Legg*, 325 N.C. at 672, 386 S.E.2d at 182 (citation omitted). “Good moral character is something more than the absence of bad character. . . . Such character expresses itself . . . in the will to do the unpleasant thing, if it is right, and the resolve not to do the pleasant thing, if it is wrong.” *In re Rogers*, 297 N.C. at 58, 253 S.E.2d at 918 (citation modified). That said, “[w]hether a person is of good moral character is seldom subject to proof by reference to one or two incidents.” *Id.*

Here, the superior court noted that the Commission’s decision “was affected by errors of law in interpreting and applying the law of good moral character.” It added that the Commission should have adhered to the good moral character precedent set out in *Devalle*:

In the Commission Final Agency Decision, there is a glaring omission of mandatory legal authority including *Devalle v. N.C. Sheriffs’ Education and Training Standards Commission*, 289 N.C. App. 13, 887 S.E.2d 501 (2023). . . . Despite the Commission having been put on direct notice of mandatory precedent in *Devalle*, the Commission did not cite, address or attempt to distinguish

Devalle.

That case, as cited by the superior court, has since been overruled by the North Carolina Supreme Court. *See Devalle v. N. Carolina Sheriffs' Educ. & Training Standards Comm'n*, 388 N.C. 21, 919 S.E.2d 152 (2025).² In *Devalle*, the North Carolina Sheriffs' Education and Training Standards Commission denied an officer's certification for a lack of good moral character notwithstanding an ALJ's proposal for decision to the contrary. *Id.* at 27, 919 S.E.2d at 158. The North Carolina State Highway Patrol received a tip that an officer was spending time at his residence in Wake County while he was supposed to be on duty in Wayne County. *Id.* at 22, 919 S.E.2d at 155. Given this, a Lieutenant arrived at the officer's home only to find him there in plain clothes while he claimed to be on duty. *Id.* at 23, 919 S.E.2d at 155. When asked, the officer stated he was sick and having technical difficulties with his computer so that he could not mark himself off duty. *Id.* After leaving the officer's home, however, it was discovered that the officer logged off the computer system roughly two minutes before the interaction. *Id.*

A formal investigation ensued, where the North Carolina State Highway Patrol learned that the officer submitted numerous false time sheets and falsely

² Since this Court's decision in *Devalle* was subsequently reversed and overruled by the North Carolina Supreme Court, whether the superior court erred in concluding that the Commission failed to apply that decision is largely moot. *See generally Chavez v. McFadden*, 374 N.C. 458, 467, 843 S.E.2d 139, 146 (2020) (citation omitted) ("A case is 'moot' when a determination is sought on a matter which, when rendered, cannot have any practical effect on the existing controversy."). We nevertheless examine *Devalle* and its predecessors to ensure an appropriate application of good moral character law. 388 N.C. 21, 919 S.E.2d 152.

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reported residing within the mandatory twenty-mile radius of his duty station. *Id.* The North Carolina State Highway Patrol fired the officer. *Id.* at 23–24, 919 S.E.2d at 156. Shortly thereafter, the officer began working as a deputy sheriff and school resource officer. *Id.* at 25, 919 S.E.2d at 156. The officer applied for another justice officer certification with the commission, which was denied given the officer’s conduct while he served with the North Carolina State Highway Patrol. *Id.* at 25–26, 919 S.E.2d at 156–57. The officer challenged this decision. *Id.* at 26, 919 S.E.2d at 157.

At a hearing before an ALJ, in addition to testifying himself, the officer produced two witnesses who testified to his present good moral character. *Id.* at 26–27, 919 S.E.2d at 157–58. While concerned with the officer’s evasiveness on cross-examination, the ALJ nevertheless concluded that the officer successfully proved character rehabilitation given the testimony of his witnesses. *Id.* at 27, 919 S.E.2d at 158. Notwithstanding the ALJ’s conclusion, however, the commission indefinitely denied the officer’s certification after concluding that he had not demonstrated the requisite good moral character of a deputy sheriff. *Id.* The officer sought judicial review, and the superior court reversed the commission’s decision. *Id.* at 27–28, 919 S.E.2d at 158. This Court affirmed the superior court by emphasizing that certification revocation “should be reserved for clear and severe cases of misconduct.” *Id.* at 38, 919 S.E.2d 152, 164 (citation omitted). Further, this Court reasoned that the commission’s decision was arbitrary and capricious “in light of [the officer’s]

otherwise exemplary history of good moral character and professionalism in law enforcement.” *Id.* at 38, 919 S.E.2d 164 (citation omitted).

Ultimately, however, this Court’s decision was reversed by the North Carolina Supreme Court, which held there was substantial evidence from which the commission could find that the officer lacked good moral character. *Id.* at 37, 919 S.E.2d at 163. It reasoned that the officer did not commit an “honest, one-time mistake”; rather, he “knowingly abdicated his duties on multiple occasions and took affirmative steps—like falsifying his home address and time sheets—to hide his deception and reap financial reward.” *Id.* at 39, 919 S.E.2d at 165. Moreover, the Court noted that the officer’s evasiveness when questioned about his wrongful conduct implicated his candor and truthfulness. *Id.* at 40–41, 919 S.E.2d at 165–66. From this, the Court concluded that the commission’s decision was not arbitrary and capricious. *Id.* at 41, 919 S.E.2d at 166.

The Court also addressed character rehabilitation and the burdens of proof associated with it. *Id.* at 42, 919 S.E.2d at 166. As to these points, the Court stated that the “initial burden of proving good moral character lies with the *applicant*” *Id.* (emphasis added). The Court then explained that after evaluating the applicant’s character as presented at the time of the application, the commission may rely on specific acts of misconduct to rebut the applicant’s prima facie showing. *Id.* The Court further explained that if those specific acts of misconduct are denied by the applicant, the commission must establish the specific acts by the greater weight of

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the evidence. *Id.* The Court continued by stating that the applicant may supplement the application with additional evidence of good moral character to satisfy their burden of proof. *Id.* From here, the Court asserted: “To the extent that an application or certification is granted retroactively, it may only be awarded retroactive to the point in time at which the applicant met his evidentiary burden.” *Id.*

In applying these principles, the Court noted that the officer “applied for justice officer certification mere days after his termination from the Highway Patrol was upheld in August 2017. He then offered evidence in December 2019 of his character’s rehabilitation” *Id.* at 42, 919 S.E.2d at 167. The Court clarified that “[a] trial court is bound by the evidentiary record before it. It may not consider new evidence, like [the officer’s] post-hearing conduct, that [the officer] did not present at the hearing and [the commission] did not evaluate.” *Id.* at 43, 919 S.E.2d at 167. Rather, for purposes of proving good moral character in the first instance, the relevant date is at the time of the application. *Id.* Yet, for character rehabilitation purposes, the Court noted that “[h]ad [the officer] successfully demonstrated his good moral character there, [the commission] should have certified him retroactive to December 2019, the point at which he satisfied his burden of proof.” *Id.*

In light of the North Carolina Supreme Court’s decision in *Devalle*, the Commission maintains that case remains in its favor. Petitioner, on the other hand, attempts to distinguish the North Carolina Supreme Court’s decision in *Devalle* by

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contending that, unlike here, it mainly concerns character rehabilitation with arbitrary and capricious action.

The North Carolina Supreme Court's decision, however, is nonetheless relevant here because it also addressed the contours of good moral character and substantial evidence. *See id.* at 32, 919 S.E.2d at 161 (“[W]e likewise conclude that substantial evidence supports [the commission’s] decision); *see also id.* at 37, 919 S.E.2d at 163 (citation modified) (“Petitioner’s evasive answers at the hearing . . . constitute substantial evidence from which [the commission] could find petitioner lacked good moral character.”). As to good moral character, the Court emphasized that:

Honesty is of paramount importance. Sometimes the dispute involves the conduct of the officer or his colleagues, potentially asking the officer to put inconvenient truths above personal interests. The people of North Carolina expect law enforcement to possess not only the ability to tell the truth but also the resolve to exercise it in uncomfortable situations. One does not need to carefully consult court cases to understand this basic tenet of good moral character.

Id. at 41, 919 S.E.2d 152, 166 (footnote omitted). “Although good moral character has many attributes, . . . none are more important than honesty and candor.” *Id.* at 30, 919 S.E.2d at 159 (citation modified). “And the principles that compose good moral character—such as honesty, sincerity, integrity, candor, and forthrightness— . . . make up the implicit moral code guiding how we treat others and expect others to treat us.” *Id.* at 30, 919 S.E.2d at 160.

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It is important to note *Devalle* and its predecessors “articulate the ‘well-defined contours’ of the good moral character rule in this State” *Id.* at 29, 919 S.E.2d at 159 (quoting *In re Willis*, 288 N.C. at 11, 215 S.E.2d at 777). Unlike here, however, *Devalle* dealt with an officer “knowingly abdicat[ing] his duties on *multiple occasions* and [taking] affirmative steps—like falsifying his home address and time sheets—to hide his deception and *reap financial reward*[]” at the expense of the taxpayer. *Id.* at 39, 919 S.E.2d at 165 (emphasis added). The conduct in *Devalle* reflected systematic dishonesty over the span of time, including the officer’s “evasive answers at the hearing[,] [which] frustrated [the commission’s] ability to evaluate the extent of his character rehabilitation. . . . [and were] inconsistent with the commonly understood perceptions of candor and truthfulness.” *Id.* at 37, 919 S.E.2d at 163.

Meanwhile, here, Petitioner’s purported lack of good moral character stems from a singular traffic stop in 2020. After failing to log a bag of contraband into evidence, Petitioner regretfully made “temporary misrepresentations” to his superior. The very next day, however, Petitioner disclosed the truth. Moreover, unlike *Devalle*, Petitioner was honest in preparing his Member’s Statement, during his Internal Affairs investigation, and at his hearings. With this in mind, we now consider the Commission’s argument that the superior court erred with respect to properly applying the appropriate standard of review.

In the instant case, the superior court’s findings are unchallenged by the Commission and therefore are binding on appeal. *Blackburn v. N.C. Dep’t of Pub.*

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Safety, 246 N.C. App. 196, 210, 784 S.E.2d 509, 519 (2016). On judicial review, the superior court adopted the findings and stipulations of fact in the Commission's final agency decision, adopted the additional findings contained in the ALJ's proposal for decision, and thus made the following findings in its order:

29. The Commission specifically found that Trooper Locklear "was a credible witness." . . . Judge Bawtinheimer also found that Trooper Locklear "was a credible witness." . . . Judge Byrne also found that Trooper Locklear was a credible witness. . . .

30. Trooper Locklear was on duty on August 20, 2020. . . . Trooper Locklear observed an apparent violator when he was traveling Trooper Locklear observed a vehicle with a driver without a seat belt and a passenger who appeared to be drinking alcohol. . . . Locklear stopped the vehicle [And] Locklear then observed that the operator had put his seat belt on, and that the passenger was drinking a "red bull" and not an alcoholic beverage. . . . A verbal warning was given. . . .

31. After this vehicle stop, Trooper Locklear observed a small bag in a ditch near the location where Locklear had stopped [the vehicle]. . . . Locklear did not then conduct any type of thorough search of the bag. . . . Locklear observed some marijuana in the bag. . . . Locklear believed that the bag was associated with the vehicle he had stopped. . . . It was Locklear's intent to go find [the] vehicle and inquire about the bag. . . .

32. Trooper Locklear then "set up" on the vehicle hoping that [it] would come back by as Locklear was observing the area. . . . [The] vehicle did not come back by the area. . . . Locklear put the bag back into the general area where he has found the bag near the thicket. . . .

33. Trooper Locklear later that evening received a group text communication from Sgt. Collins. . . . Sgt. Collins

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inquired about the traffic stop Locklear responded and learned that there had been a complaint. . . . [It was] reported that Locklear had stolen the bag This was a false allegation. . . . Locklear's reaction was that he panicked and got scared. . . . Locklear wishes that he was immediately forthcoming, but he misrepresented to Sgt. Collins that he hadn't picked up the bag. . . . The parties stipulated that Trooper Locklear panicked and got scared from the complaint. . . .

34. On the next morning, Sgt. Collins directed Locklear to go to the scene. . . . The bag was still there. . . . Sgt. Collins determined that everything was in the bag. . . . Sgt. Collins directed Locklear to go prepare a *Member's Statement*. . . . Petitioner's statement was truthful[,] and accurate Trooper Locklear was next directed to accompany Sgt. Collins to Internal Affairs in Raleigh Trooper Locklear knew that Internal Affairs was the official proceeding. . . .

35. Trooper Locklear told the entire truth to Internal Affairs. . . . Trooper Locklear's meeting with Internal Affairs was on 21 August 2020, before lunchtime. . . . It was Trooper Locklear's intent to tell the whole truth to Internal Affairs and he did so. . . . Trooper Locklear was not charged with any alleged untruthfulness for his Internal Affairs interview. . . . Trooper Locklear's mistakes of temporary misrepresentations to Sgt. Collins were a result of his panic and fear. . . . Trooper Locklear quickly corrected and rectified his misrepresentations to Sgt. Collins. . . .

36. Trooper Locklear was born in 1974 and was 47 years old at the time of the hearing. . . . Locklear grew up in Robeson County, North Carolina. . . . Locklear has been married to Angela Locklear for over twenty-five years and is the father of a son and a daughter. . . . Locklear has maintained support for his children. . . . Locklear worked with Barnhill Paving after being terminated. . . . Petitioner Locklear has since been reinstated to the Highway Patrol as a Trooper. . . .

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37. Trooper Locklear attends church at Union Chapel Methodist Holiness Church, near Lumberton. . . . Locklear regularly attends church. . . . Trooper Locklear has been active in his community, helping his community. . . . Trooper Locklear has helped coach various sports in his community including softball, volleyball, baseball, and basketball. . . .

38. Trooper Locklear became employed as a State Trooper in 2006. . . . Trooper Locklear successfully and continuously served as a Trooper for over thirteen years, until his termination on 13 October 2020. . . . Locklear earned the rank of Master Trooper. . . .

39. Trooper Locklear's Supervisor, Sgt. Phillip Collins, further confirmed that Locklear had earned a good personnel record. . . . Trooper Locklear was never previously disciplined by the Highway Patrol. . . . Trooper Locklear's evaluations were meeting or above expectations. . . . He was not rated below expectations. . . .

40. Trooper Locklear was rated as "exceeding expectations" on ethics and integrity. . . . Trooper Locklear was observed to be an asset to the Patrol. . . . Trooper Locklear was commended for his work ethic. Trooper Locklear was found to have exceeded expectations for leadership. . . .

41. Trooper Locklear also earned good evaluations for his work performance and conduct going all the way back to 2006 when he was first evaluated. . . . Locklear also earned commendations or awards because of his Patrol service. . . . Locklear earned an award from a group known as Mothers Against Drunk Driving (MADD). . . . This award from MADD is a very honorable and prestigious award. . . . Trooper Locklear earned other awards for his performance and conduct. . . . Trooper Locklear was a valuable asset to his employer and to the State for his entire career. . . .

42. Numerous persons have observed that Trooper Locklear has very good moral character and also is

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presently a person of good moral character. . . . The following persons submitted statements observing that Petitioner Locklear is of good moral character: Attorney David Branch; Attorney Jeff Wynn; Trooper Mike Chavis; Rudolph Freeman; Dr. Rudy Locklear; Deputy Stan McNeil; Amy Paul-Scott; Ted Woodell; Reverend Greg Lowery; James Bronnie Scott; Reverend James Kelvin Locklear and Captain Mike Seago of the St. Pauls Police Department. Excerpts from the record show: Mike Chavis observed that “Robeson County is a better place because of Joe.” Stan Mitchell observed that “Joe has great character . . . Joe is a wonderful person . . . He has a great reputation in his community and with his peers.” Amy Paul Scott observed that Joe Locklear is “very family oriented . . . [and is] very productive . . . professional . . . fair . . . is an asset filled with dignity and integrity . . . his work ethic proves that he is an asset.” Ted Woodell observed that Joe Locklear “has not only been a member of our community but a leader as well.” Reverend Greg Lowery observed that Joe Locklear “has been greatly involved in his community and individual lives . . . Joe is an honorable man,” James Kelvin Lockler observed that Joe Travis was always willing to assist if needed.” . . . No witness testified that Trooper Locklear lacks good moral character.

43. Captain Seago of the St Pauls Police Department testified that others have indicated that he is a good Christian, and really good to be around. . . . Petitioner Locklear is “very helpful for other people.” . . . Petitioner has been helpful to the St. Pauls Police Department and the community there also. . . . Captain Seago has always known Petitioner “to be professional all the time.” . . . Petitioner is “a hardworking person.” . . . If you needed help, “he would help you out.” . . .

44. Interim Chief Adrian Hunt of the Pembroke Police Department observed that Trooper Locklear is “very professional” and who appears to “work hard.” . . . Chief Hunt observed that Trooper Locklear “is well known and highly respected” and “has a very good reputation as an officer and personally.” . . . Chief Hunt explained that

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Trooper Locklear “is known as a person of high integrity and very high character.” . . . Chief Hunt observed that Trooper Locklear is “a family man” and believes his moral character is “excellent.” . . . Chief Hunt described Trooper Locklear as very “remorseful.” . . . Chief Hunt believes that Trooper Locklear is “well fit to continue to serve” and that his mistakes here should not ruin his successful police career.” . . .

45. As to Locklear’s employment background and experience with the Highway Patrol, including his officially evaluated performance, his conduct, his history, his record of service, his awards and commendations, Trooper Locklear demonstrated thirteen years of very good to excellent overall service and conduct. . . .

46. Trooper Locklear acknowledged his mistakes and regretted his action. . . . Trooper Locklear made a sincere apology for his mistakes. . . . Trooper Locklear recognized that truthfulness is very important. . . . Trooper Locklear had never before in his entire thirteen-year career been accused of any untruthfulness. . . .

47. The totality of all substantial, competent and admissible evidence demonstrates that Trooper Locklear does not lack good moral character and in fact has very good moral character. Trooper Locklear’s actions of August 20, 202[0], and the early morning of August 21, 2020, were an aberration and an isolated incident, and were clearly not enough to ruin his otherwise longstanding very good character as a law enforcement officer and as a very respected citizen in the Robeson County community. . . .

48. The totality of all competent and admissible evidence demonstrates that Trooper Locklear did not violate N.C.G.S. 14-230. Petitioner did not willfully fail to carry out a duty of his office. The elements of this alleged offense were not established. There was no evidence of any actual injury to the public. . . .

49. The totality of all substantial, competent, and admissible evidence does not warrant any occupational

licensing discipline upon Trooper Locklear.

We emphasize that good moral character refers to a person's disposition and nature, not to a few actions divorced from the whole of that person's character. *See* 12 N.C. Admin. Code 9B.0101(12). That is, while certain mistakes arising from a singular instance may lack good moral character, it does not necessarily follow that such mistakes definitively indicate that a person lacks good moral character. *See In re Rogers*, 297 N.C. at 58, 253 S.E.2d at 918. Put differently, the inquiry is whether Petitioner himself lacks good moral character, not whether Petitioner's conduct at a given instant lacked good moral character. *See id.*

That said, conduct may be indicia of moral character. *See In re Willis*, 288 N.C. at 17, 215 S.E.2d at 781 ("The traits of character and conduct . . . cannot be regarded as irrelevant to the determination of his moral character . . ."). For instance, lack of good moral character may be shown when there is a purposeful pattern of misconduct. *See, e.g., In re Legg*, 325 N.C. at 672, 386 S.E.2d at 182. "Character thus encompasses both a person's past behavior and the opinion of members of his community arising from it." *In re Rogers*, 297 N.C. at 58, 253 S.E.2d at 918.

In *Devalle*, the officer's dishonesty occurred on multiple occasions, was sustained over time, involved reaping financial reward at the expense of the taxpayer, and was compounded by evasiveness at the very hearing meant to test his character. *Devalle*, 388 N.C. at 39, 919 S.E.2d at 165. In other words, the officer's conduct

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demonstrated a pattern evincing lack of good moral character. *See id.* at 41, 919 S.E.2d at 166.

In the instant case, even assuming Petitioner's initial conduct fell short of good moral character on that occasion, it does not follow that he lacks good moral character generally. *See In re Rogers*, 297 N.C. at 58, 253 S.E.2d at 918. That is not to say that a single instance of conduct will always be insufficient to establish a lack of good moral character—certainly some instances of isolated conduct, not present in this matter, could be a sufficient indication of bad moral character. Here, however, rather than looking at the particular conduct in a vacuum, it was the superior court's role to look at the whole record. *See* N.C. Gen. Stat. § 150B-51(c); *see also Carroll*, 358 N.C. at 659, 599 S.E.2d at 894. After a review of the whole record, it was to consider whether there was substantial evidence to support an indefinite suspension of Petitioner's certification. *See Devalle*, 388 N.C. at 28, 919 S.E.2d at 158. That is, the court was to consider whether there was relevant evidence that a reasonable mind might accept as adequate to support a conclusion that Petitioner lacked good moral character. *See id*; *see also* N.C. Gen. Stat. § 150B-2(8c).

We conclude that the superior court did not impermissibly substitute its judgment for that of the Commission. *Watkins*, 358 N.C. at 199, 593 S.E.2d at 769. Instead, the superior court properly applied whole record review. In doing so, the superior court reviewed the whole record, which included Petitioner's "temporary misconduct," Petitioner's honesty and candor during the investigation and hearing,

and other relevant evidence.³ See *In re Legg*, 325 N.C. at 672, 386 S.E.2d at 182 (“Good moral character has many attributes, but none are more important than honesty and candor.”); cf. *Devalle*, 388 N.C. at 37, 919 S.E.2d at 163 (“[The officer’s] evasive answers at the hearing frustrated [the commission’s] ability to evaluate the extent of his character rehabilitation. . . . [T]hese types of responses are inconsistent with the commonly understood perceptions of candor and truthfulness. They constitute substantial evidence from which [the commission] could find [the officer] lacked good moral character.”). From here, the superior court properly concluded that the Commission’s decision was unsupported by substantial evidence. See *Devalle*, 388 N.C. at 28, 919 S.E.2d at 158. Accordingly, we discern no error.

b. Willful Failure to Discharge Duties

The Commission next argues that the final agency decision, concluding Petitioner’s conduct was willful and injurious to the public, was supported by substantial evidence. The superior court’s order concluded there was no competent or substantial evidence of any injury or harm to the public, or that Petitioner acted willfully. See N.C. Gen. Stat. § 150B-51(b)(5), (c). Since we agree with the superior

³ Petitioner produced evidence relating to his good moral character, including: Petitioner was never disciplined prior to his termination as a State Trooper; Petitioner received awards, promotions, and positive performance evaluations throughout his career; a majority of Petitioner’s performance evaluations rated him as meeting expectations or above expectations; Petitioner was rated as “exceeding expectations” on ethics and integrity; Petitioner was never evaluated to be below expectations; Petitioner has been commended for his professionalism and leadership; and, Petitioner has never been alleged of being untruthful prior to the conduct at issue in August of 2020.

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court—that there is no substantial evidence of injury to the public—we decline review of whether there is substantial evidence of the element of willfulness.⁴

Willful failure to discharge duties “has two statutory components: (1) that the defendant be an official of a State institution and (2) that he willfully fail[s] to discharge the duties of his office. Injury to the public is a judicially recognized element of the crime.” *State v. Birdsong*, 325 N.C. 418, 422, 384 S.E.2d 5, 7 (1989).

Here, the superior court concluded that the Commission’s final agency decision contained only speculative and theoretical injuries. The final agency decision described the injuries or harm to the public as: the owner of the bag not being held accountable; the drugs being left in the community unattended “where they could have been accessed by adults, children, and animals”; betraying the trust of the public; being paid state funds while he put the bag in the woods; failing to keep the community safe from drugs; creating an inherent distrust in law enforcement; and undermining public confidence in law enforcement and the court system.

We agree with the superior court that there is a lack of evidence on the record showing a concrete injury to the public. *See, e.g., State v. Anderson*, 196 N.C. 771, 773, 147 S.E. 305, 306 (1929) (finding no evidence of injury to the public where a hospital official impermissibly removed patients to work on his personal farm as

⁴ Furthermore, since we conclude there is a lack of substantial evidence to support the offense, review of whether the charging document gave petitioner sufficient notice of the section 14-230 allegation is unnecessary.

occupational therapy). Outside of the Commission's theoretical assertions, we hold there is no record evidence showing any actual injury or harm to the public—the Commission merely points to potential or hypothetical injuries due to Petitioner's actions. *See State v. Rhome*, 120 N.C. App. 278, 294, 462 S.E.2d 656, 667 (1995).

Consequently, the superior court correctly determined that the final agency decision lacked the substantial evidence necessary to conclude that Petitioner violated N.C. Gen. Stat. § 14-230. Furthermore, the superior court applied the correct standard of review in addressing the Commission's final agency decision on this ground. *See* N.C. Gen. Stat. § 150B-51(b)(5), (c). Accordingly, the Commission's argument is overruled.

C. Reasonable Investigation

The Commission further contends the superior court erred in concluding that the Commission failed to undertake a reasonable investigation into Petitioner's lack of good moral character and the section 14-230 violation. However, the Commission abandoned this argument by failing to cite any authority in support of its arguments on appeal. *See* N.C. R. App. P. 28(b)(6) ("The body of the argument and the statement of applicable standard(s) of review shall contain citations of the authorities upon which the appellant relies."); *see also Town of Forest City v. Florence Redevelopment Partners, LLC*, 292 N.C. App. 86, 97, 896 S.E.2d 653, 660 (2024) ("This Court has routinely held an issue to be abandoned where an appellant presented argument without citations to the authorities upon which the appellant relied."); *K2HN Constr.*

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N.C., LLC v. Five D Contractors, Inc., 267 N.C. App. 207, 213, 832 S.E.2d 559, 564 (2019) (“This Court has routinely held an argument to be abandoned where an appellant presents argument without such authority and in contravention of the rule.”). We therefore decline to review this argument.

IV. Conclusion

For the reasons above, we affirm the superior court’s decision. We hold that the Commission’s final agency decision was not in accord with current good moral character precedent and not supported by substantial evidence. Further, there was a lack of substantial evidence demonstrating an essential element of willful failure to discharge duties—injury to the public. Finally, we hold that the Commission abandoned review of its reasonable investigation argument by failing to cite any authority in support of its contention, and the superior court adhered to the proper standards of review in addressing the Commission’s final agency decision.

AFFIRMED.

Judges FLOOD and MURRY concur.

Report per Rule 30(e).